IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 34080 of 2006(F)

PETITIONER:

T. ASUMA BEEVI, KAMBIKETTIL VEEDU,
KILIKOLLOOR, KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS:
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1. CORPORATION OF KOLLAM,
KOLLAM, REPRESENTED BY ITS SECRETARY.

2. SECRETARY, CORPORATION OF KOLLAM,
KOLLAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 34080 of 2006

Dated this 25th day of January, 2007

JUDGMENT

This writ petition has been filed impugning Ext.P4 order of the Tribunal for Local Self Government Institutions approving the order of the Corporation directing to demolish the temporary shed which is being retained by the petitioner even after the expiry of the period. Even though various grounds have been raised in the writ petition impugning Ext.P4, none of them appeal to me. It is in that situation the learned counsel for the petitioner invited my attention to Ext.P5 application for regularization submitted subsequently by the petitioner and requested that the Corporation be directed to dispose of Ext.P5 at the earliest.

I notice that the main relief which is sought for in the writ petition is to quash Ext.P4. Having gone through Ext.P4, I do not find any infirmity about the same warranting corrections under this court's narrow jurisdiction for judicial review. In fact under Ext. P2, the Tribunal had directed the Corporation to

consider the question of regularising the construction. Thereafter, the Corporation considered the question, but regularisation cannot be granted. It was that subsequent order of the Corporation which was affirmed by the Tribunal under Ext.P4. Under these circumstances, the writ petition is liable to be dismissed. Accordingly, the writ petition is dismissed. However, since the petitioner has filed Ext.P5, the dismissal of this writ petition will not stand in the way of the Corporation disposing of Ext.P5 in accordance with law. Orders will be passed by the Corporation on Ext.P5 at their earliest and at any rate within one month from today. Till such time as orders are passed on Ext.P5, the status quo as obtaining today regarding the shed will be continued.

PIUS C.KURIAKOSE
Judge

dpk